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Counsel for Defendant, Koniag, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,)
)
Plaintiff,)
)
vs.) Case No. A02-0290 CV (JKS)
)
LEISNOI, INC., KONIAG, INC., and)
GALE A. NORTON, Secretary of the)
Interior,)
)
Defendants.)

)

**MOTION TO DISMISS FOR MOOTNESS UNDER ANILCA,
SECTION 1427 AND THE SECRETARY OF INTERIOR'S DECISION**

Koniag, Inc., through its attorney, the Law Offices of R. Collin Middleton, P.C., moves to dismiss Plaintiff's complaint because it is mooted by passage of section 1427 of ANILCA and because the Secretary of Interior, Dirk Kempthorne, so found.

This motion is supported by the Memorandum in Support of Motion to Dismiss Re: Chevron Deference and ANILCA 1427 and Federal Recognized Tribal List Act, and relies additionally upon those arguments made by Leisnoi in its similar motion at Dockets 120 and 121. To the extent this motion relies upon

exhibits presented to the Interior Board of Land Appeals, it may need to be treated as a Summary Judgment Motion under F.R.C.P. 56. See Civil Rule 12(c).

No proposed order is filed pursuant to D. Ak. LR 7.4(a).

DATED at Anchorage, Alaska this 14th day of April, 2007.

LAW OFFICES OF R. COLLIN MIDDLETON

Attorneys for Defendant
Koniag, Inc.

By /s/ R. Collin Middleton

ABA #6803015

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Certificate of Service

The undersigned certifies that the foregoing document was served by electronic service on this 14th day of April, 2007.

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